

### **REMARKS**

In the Office Action<sup>1</sup> mailed September 17, 2007, the Examiner indicated that Figure 4 of this application belongs to Species II in the Election of Species Requirement mailed May 30, 2007; objected to the Specification; rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Kindt et al. (U.S. Patent No. 7,038,820, hereafter "Kindt") in view of Clark (U.S. Patent No. 6,529,241, hereafter "Clark").

By this Amendment, Applicant amends the specification, amends claims 1-4, and adds new claims 18 and 19. Claims 1-19 remain pending with claims 5-17 withdrawn from consideration.

Applicant acknowledges the Examiner's indication of Figure 4 as belonging to Species II in the Election of Species Requirement.

Applicant has amended the Title and requests withdrawal of the objection to the Specification.

Applicant respectfully traverses the Examiner's rejection of claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Kindt in view of Clark.

Claim 1, as amended, recites an imaging apparatus, comprising, among other things, "a photoreceptor element having an output line, the photoreceptor element sending an electric-signal level to the output line in accordance with an intensity of light received by the photoreceptor element; [and] a comparator coupled with the output line of the photoreceptor element, the comparator comparing the electric-signal level from the output line with a threshold electric-signal level, and sending an output signal when

the electric-signal level crosses the threshold electric-signal level; . . . wherein the threshold electric-signal level increases from an initial threshold electric-signal level as time elapses,” (emphasis added). Kindt and Clark, alone or combined, fail to teach at least the claimed threshold electric-signal level increasing from an initial threshold electric-signal level as time elapses.

Kindt discloses automatic exposure control for an image sensor. At column 10, line 66, to column 11, line 3, Kindt states, “[t]he exposure threshold may be . . . dynamically set by changing the second reference voltage during the integration time interval,” and at column 11, lines 6-8, states, “[t]he exposure threshold may be set to a level corresponding to 100% saturation, or another level such as 80% or 90% of the saturation limit for the pixels.” Accordingly, Kindt merely suggests dynamically changing the second reference voltage to set the exposure threshold corresponding to a fixed percentage of the saturation limit. Kindt fails to provide any suggestion of: “the threshold electric-signal level increases from an initial threshold electric-signal level as time elapses,” as recited in amended claim 1.

The Examiner cited Clark as allegedly teaching a storage unit. Even assuming the Examiner’s characterization of Clark is correct, which Applicant does not concede, Clark still fails to cure the deficiencies of Kindt discussed above.

Accordingly, claim 1 distinguishes over Kindt and Clark, alone or combined. Claims 2-4, 18, and 19 depend from claim 1, and distinguish over Kindt and Clark at least due to their dependence.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 6, 2008

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subscribe to any statement or characterization in the Office Action.